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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,126	12/15/2003	Patricia Alice McParland	384.7879USU	5765

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EXAMINER

KAZIMI, HANI M

ART UNIT	PAPER NUMBER
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3691

MAIL DATE	DELIVERY MODE
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07/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/736,126

Applicant(s)

MCPARLAND ET AL.

Examiner

Hani Kazimi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to the amendment filed on November 6, 2006. Claims 1-20 are pending. The rejections cited are as stated below:

Summary of this Office Action

2. Applicants' amendment and arguments filed on November 6, 2006 have been fully considered, and discussed in the next section below or within the following rejection are not deemed to be persuasive. Therefore, claims 1-20 are rejected as being unpatentable over the art cited below, and Applicants' request for allowance is respectfully denied.

Response to Applicants' Amendment

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-17 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Early et al. US Patent Publication No. 2003/0004868 A1 (hereinafter "Early").

Claims 1-17 and 20 , Early disclose a method, system and computer readable medium having executable instructions stored thereon for providing a credit limit, comprising: receiving a request for a credit limit related to an entity; retrieving an aggressive value from an aggressive model of business data associated with said entity; retrieving a conservative value from a conservative model of business data associated with said entity; and providing a recommendation based on said aggressive value and said conservative value (figure 1, and [Para. 19 – 29]).

Early discloses that the aggressive value and the conservative value are co-existing ([Para 0020, and fig. 3c), Early states "To track the cardholder's use, a Tier 1 and a Tier 2 limit may be established for the cardholder. For example, the Tier 2 limit may correspond to the credit limit of the account, while the Tier 1 limit may correspond to a lower limit signaling when the Tier 2 limit is close to being exceeded".

Early disclose that the recommendation is provided to a user from a website via a browser via a clickable link and includes guidelines having an aggressive limit and a conservative limit and risk category, and includes a specific dollar amount and a range from said aggressive value to said conservative value, wherein said aggressive and conservative models include analysis of a payment history associated with said entity and perform a historical analysis of credit demand of entities in a business information

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database having a profile substantially similar to said entity, and wherein said recommendation is fine-tuned to account for known characteristics of a particular entity. Early disclose that the database is indexable by a unique business identifier identifying said entity, said database, which provides said business data to said aggressive and said conservative models (abstract, figures 1-4, and [Para 19 – 54]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or unobviousness.
4. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Early et al. US Patent Publication No. 2003/0004868 A1 (hereinafter "Early").

Claims 18 and 19, Early fails to teach the use of a billing component to receive billing information, before said recommendation is provided and charges a fee for said recommendation.

Official Notice is taken that receiving billing information from a credit card institution that charges subscription fees is old and well known in the art.

It would have been obvious to one of ordinary skilled in the art at the time the Applicant's invention was made to modify the teachings of Early to include the use of a billing component to receive billing information, before said recommendation is provided and charges a fee for said recommendation, because it provides convenience to the user, and it greatly improves the efficiency of the system by providing the user with targeted promotional programs.

Response to Arguments

5. Applicant's arguments with respect to claims 1-20 have been fully considered but are not deemed to be persuasive. In response to Applicant's arguments:

As indicated previously, Early discloses the step of producing two credit limit values that exist at the same time for the same account holder, ([Para 0020], and fig. 3c), Early states "To track the cardholder's use, a Tier 1 and a Tier 2 limit may be established for the cardholder. Early provides two co-existing credit limit values, each providing a separate credit limit value. In response to Applicant's argument that the references fail to show certain features of Applicant's invention, it is noted that the

features upon which applicant relies (i.e., the credit limit values are independent from one another and are based on separate criteria) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Early discloses in details how these credit limit values are created and established, where Applicant's specification just introduces these credit limit values but silent on how they're created.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hani Kazimi whose telephone number is (571) 272-6745. The examiner can normally be reached Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business

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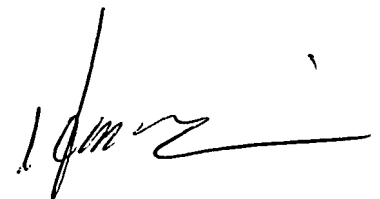
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Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'H. M. Kazimi', with a long horizontal flourish extending to the right.

HANI M. KAZIMI
PRIMARY EXAMINER

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July 23, 2007